

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 409 be amended to read as follows:

- 1 Page 2, between lines 27 and 28, begin a new paragraph and insert:
- 2 **"Sec. 12. If the score of an insured or applicant is adversely**
- 3 **impacted or cannot be generated because the credit history of the**
- 4 **insured or applicant is insufficient, an insurer shall:**
- 5 **(1) use actuarially justified credit related underwriting or**
- 6 **rating criteria that have been filed with the commissioner;**
- 7 **(2) apply underwriting or rating criteria to the insured or**
- 8 **applicant as if the insured or applicant had a neutral credit**
- 9 **history, as defined in the insurer's underwriting guidelines or**
- 10 **rate making standards, unless otherwise actuarially justified;**
- 11 **or**
- 12 **(3) exclude the use of credit as a factor in the underwriting or**
- 13 **rating process."**
- 14 Page 2, line 28, delete "Sec. 12." and insert **"Sec. 13."**
- 15 Page 2, line 29, delete "the" and insert **"a"**.
- 16 Page 2, line 29, delete "or".
- 17 Page 2, line 30, after "cancellation" insert **"or rating"**.
- 18 Page 2, line 31, delete "or insurance producer".
- 19 Page 2, line 31, delete "of" and insert **"to the insured or applicant**
- 20 **of its use as a basis for"**.
- 21 Page 2, line 32, delete "or".
- 22 Page 2, line 32, after "cancellation" insert **"or rating of the policy**
- 23 **of property and casualty insurance,"**.
- 24 Page 2, line 33, delete "to" and insert **."**.
- 25 Page 2, delete line 34.
- 26 Page 2, line 38, after "of" insert **"the most significant reasons for**
- 27 **the credit score result including"**.
- 28 Page 2, line 39, delete "or".
- 29 Page 2, line 39, after "cancellation" insert **"or rating"**.
- 30 Page 3, line 2, delete "an insurance producer or".
- 31 Page 3, line 13, delete "Sec. 13." and insert **"Sec. 14."**
- 32 Page 3, line 27, delete "Sec. 14." and insert **"Sec. 15."**

1 Page 3, line 34, delete "Sec. 15." and insert "**Sec. 16.**".
2 Page 3, between lines 36 and 37, begin a new paragraph and insert:
3 "**Sec. 17. An insurance producer licensed under IC 27-1-15.6 is**
4 **not liable in any action arising from the use of a credit score by an**
5 **insurer, provided that the insurance producer complies with the**
6 **insurer's procedures provided to the producer by the insurer**
7 **concerning the use of credit scores.**".
8 Page 3, line 37, delete "Sec. 16." and insert "**Sec. 18.**".

(Reference is to SB 409 as printed January 23, 2002.)

Senator LONG